

# Harvis & Fett

GABRIEL P. HARVIS  
BAREE N. FETT

March 14, 2017

Granted.

BY ECF

Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

SO ORDERED:

3/16/17



HON. PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE

Re: *Torres v. City of New York, et al.*, 16 CV 7257 (PAE)

Your Honor:

I represent Mr. Torres in the above-referenced civil rights action. I write on behalf of the parties to respectfully request a forty-five-day extension of the "1983 Plan Review" deadline from March 31, 2017 to May 15, 2017.

By way of background, plaintiff Jordan Torres alleges that on August 29, 2015, defendant NYPD Officer James Burpoe viciously struck him across the face with a police radio for no lawful reason and without any provocation from plaintiff. Other defendant officers on the scene observed the assault, were in a position to intervene on plaintiff's behalf, but failed to do so. As a result of defendants' conduct, Mr. Torres suffered a fractured nose and required stitches to his left eye area. On September 16, 2016, plaintiff filed his complaint alleging, *inter alia*, excessive force and failure to intervene pursuant to 42 U.S.C. § 1983, as well as related claims under New York State law. On December 21, 2016, the matter was designated a Plan case under the Southern District of New York's Local Civil Rule 83.10 and the Plan-Review deadline was scheduled for March 31, 2017.

Hon. Paul A. Engelmayer

March 14, 2017

Thus far, the parties have exchanged limited discovery pursuant to Local Rule 83.10, plaintiff has conveyed his initial settlement demand and defendants have indicated that an initial offer is forthcoming. The parties had scheduled a mediation session for March 17, 2017. However, the parties believe that direct negotiations may bear fruit, and – especially given that plaintiff is currently incarcerated – would like to explore that possibility before arranging and attending the mediation session. Plaintiff respectfully submits that the proposed extension may thus result in an economy of resources.

Accordingly, the parties respectfully request an extension of the Plan Review deadline until May 15, 2017.

Thank you for your consideration of this request.

Respectfully submitted,



Baree N. Fett

cc: ACC Omar Siddiqi, Esq.  
Mediation Office, Southern District of New York (by email)  
Assigned Mediator (by email)